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Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

FILED/ACCEPTED

MAY 24 2007

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Request for Clarification)
)
National Association of Regional Planning)
Committees (NARPC) Seeks Clarification on)
The Commission's Determination of Primary)
and Secondary use of 4.9 GHz Public Safety)
Spectrum.)
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)
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07-100
WT Docket No. ~~00-32~~

Request for Clarification

National Association of Regional Planning Committees

Hereby Submitted March 16, 2006

I. REQUEST FOR CLARIFICATION

The National Association of Regional Planning Committees (NARPC) hereby submits the following Request for Clarification to the Federal Communications Commission ('Commission') on the matter of 4.9 GHz public safety primary and secondary use determination, as outlined in Rule 90.1207 of the Commission's Rules.

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National Association of Regional Planning Committees

II. INTRODUCTION

Public Safety Regional Planning is accomplished across the entire United States and its territories. The Commission has established fifty-five (55) designated planning regions assigned to various states, regions and metropolitan areas with each region having an 800 MHz NPSPAC (FCC Docket 87-112) planning Committee. Separate Regional Planning Committees also exist to administer and develop regional plans in each region for the use of public safety 700 MHz spectrum. While not having authority over its implementation in a region, these 700 MHz planning committees serve as regional advocates and resource for public safety implementation of 4940-4990 MHz spectrum and, should they choose to do so, may develop a regional plan outlining regional guidelines for the implementation of 4940-4990 MHz and file such plan with the Commission.

The National Association of Regional Planning Committees (NARPC), a national advocate organization consisting of regional planning committee members and focused on the continued support of volunteer regional planning committees, requests clarification on the Commission's determination of public safety primary and secondary use of 4940-4990 MHz as outlined in Rule 90.1207.

III. PRIMARY PUBLIC SAFETY USE OF 4940-4990 MHz

Rule 90.1207 outlines the Commission's description of primary and secondary applications in the 4940-4990 MHz band, Rule 90.1207 (c) indicates, "A 4940-4990 MHz band license gives the licensee authority to operate base and mobile units (including portable and handheld units) and operate temporary (1 year or less) fixed stations anywhere within the area authorized by the license." This is the Commission's determination of primary use of the band,

but the term “fixed” is not totally defined in the context of the 4940-4990 MHz. The term “fixed” is likely being used to reference “fixed point-to-point” applications i.e. microwave backhaul applications. If this interpretation of the term “fixed” is correct, i.e. the term fixed is really meant to indicate “fixed point-to-point”, then it appears the commission intends that temporary traditional backhaul applications are permissible as primary applications using 4940-4990 MHz for up to one year.

Typically, “backhaul” type applications are utilized to create a voice/data transfer path from one physical point to another either within or between jurisdictions and this path does not directly involve or support mobile/portable users or subscribers operating around fixed sites. Traditional microwave backhaul applications are usually associated with voice/data transfer similar to the licensed 6 GHz, 10 GHz and 11GHz microwave bands utilized in Part 101 of the Commissions rules. NARPC agrees with the Commission’s determination that applications of “fixed point-to-point” use of the band on a temporary basis (up to one year) should be considered primary while permanent “fixed point-to-point,” i.e. backhaul, use of the band should be considered secondary to other primary use of the 4940-4990 MHz band.

IV. RECENT PROGRESS ON THE DEVELOPMENT OF IEEE 802.16 OR 802.20 OR OTHER POINT-TO-MULTI-POINT APPLICATIONS SHOULD BE CONSIDERED AS PRIMARY USE OF THE PUBLIC SAFETY 4940-4990 MHz BAND.

If the term “fixed” in the Commission’s rules in 90.1207 is intended to be solely indicative of “fixed point-to-point” applications, i.e. backhaul use as previously described, then NARPC believes the Commission’s rules for the 4940-4990 MHz band are consistent with the

intent for the use of 4940-4990 MHz band outlined in the proceeding under Docket 00-32, and are consistent with the users need for utilization of the 4940-4990 MHz band.

There can, however, be additional use of 4940-4990 MHz by public safety from “fixed” infrastructure, used in a point-to-multipoint manner, which can support future applications, including some IEEE 802.16/802.20 WiMAX type applications, but which some may interpret as being a “fixed” application which are only allowed secondary status if such “fixed” applications are in place for more than one year. Without clarification of the term “fixed” as being solely applicable to the “fixed point-to-point” or backhaul applications with regard to designation of secondary applications in the 4940-4990 MHz band, interpreting these “fixed point-to-multipoint” applications in operation for more than one year as only being allowed on a secondary basis will seriously hamper the public safety community’s ability to adapt to new, “off the shelf” 802.16/802.20 WiMAX type technologies and applications. An interpretation differentiating between fixed point-to-point traditional backhaul use and fixed point-to-multipoint use is necessary.

It is the opinion of the NARPC that IEEE 802.16/802.20 WIMAX, or any other point-to-multi-point applications that can benefit public safety in its implementation of 4940-4990 MHz, should fall under the Commission’s description of primary applications for the 4940-4990 MHz band as “base and mobile” operations. In the fixed point to multipoint application, portable/mobile users will interact directly with the fixed infrastructure, unlike fixed point-to-point backhaul type applications, where subscribers do not directly interact with the fixed infrastructure in use. The NARPC believes the distinction between primary and secondary

“fixed” applications on the 4940-4990 MHz should be based upon whether or not the public safety subscriber units can directly access a fixed point-to-point site or a fixed point-to-multi-point site. To clear up any uncertainty on the part of the public safety community, the Commission should clarify its rules to indicate there was no intention on the part of the Commission to relegate so-called “hot spots”, which are “fixed point-to-multipoint” bases, to secondary status.

V. SUMMARY

The NARPC respectfully urges the Commission to provide clarification to its definition of fixed use of the 4.9 GHz public safety band to clearly indicate “fixed point-to-multi-point” applications are afforded primary status as base and mobile operations in the 4940-4990 MHz band. When existing rules can be misinterpreted by public safety entities due to a less than clear indication whether or not a “fixed” application is secondary or primary, specific applications, in this case “fixed point-to-multipoint” WIMAX type applications, will be underutilized within the public safety community and impede development of necessary and appropriate broadband technologies and associated applications.

Respectfully submitted,

Stephen T. Devine

Chair – National Association of Regional Planning Committees
Chair – FCC Region 24, NPSPAC 700 MHz Regional Planning Committees

March 16, 2006



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News media information 202 1418-0500
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DA 06-627
March 20, 2006

WIRELESS TELECOMMUNICATIONS BUREAU ACTION

**REGION 9 (FLORIDA) PUBLIC SAFETY REGIONAL
PLANNING COMMITTEES TO HOLD
700 MHz REGIONAL PUBLIC SAFETY PLANNING MEETING
AND
800 MHz (NPSPAC) REGIONAL PUBLIC SAFETY PLANNING MEETING
(GEN. DOCKET 90-119)**

The Region 9 (Florida) Public Safety Regional Planning Committees will hold two consecutive Region 9 Public Safety planning meetings.

On Monday, May 1, 2006, the Region 9 800 MHz annual NPSPAC Regional Planning Committee meeting will convene at 9:00 a.m. at the Hutchinson Island Marriott Resort Jensen Beach, 555 NE Ocean Boulevard, Stewart, Florida 34957.

Following the adjournment of the 800 MHz annual NPSPAC Regional Planning Committee meeting, the Region 9 700 MHz annual Regional Planning Committee will convene at 1:00 p.m.

The purpose of the meetings is to:

1. Review the status of the Region 9 Plans,
2. Review the current status of Federal regulatory issues,
3. Hold election of officers for vacant positions, and
4. Review of actions performed by the Committees during the previous year.

Both meetings are being held in conjunction to the Florida NENA Chapter conference which will be held at the Hutchinson Island Marriott Resort Jensen Beach. The final agenda and room location will be provided on May 1st.

The Region 9 700 MHz Public Safety Planning Committee meetings are open to the public. All eligible public safety providers whose sole purpose or principal purpose is to protect the safety of life, health, or property in Florida would utilize these frequencies. It is essential that not only public safety, but all government, Native American Tribal, and non-governmental organizations eligible under Section 90.523 of the Commission's Rules be represented in order to

ensure that each agency's future spectrum needs are considered in the allocation process. Administrators who are not conversant with telecommunications technology should ensure that their respective agencies are represented by suitably conversant staff.

All interested parties wishing to participate in the planning for the use of new public safety spectrum in the 700 MHz and 800 MHz band, or the newly allocated 4.9 GHz band within Region 9 are encouraged to attend. For further information about the meeting, please contact:

Ray Carlson, Vice-Chairman
Region 9 700 MHz Public Safety Planning Committee
Commander, Palm Beach Sheriff's Office
3328 Gun Club Road,
West Palm Beach, FL 33406
PH: 561-688-3514
Email: carlsonr@phso.org

FCC -

Purpose	File Number	Parties	Action Date	Action
AM	0002434645	Licensee: Telink Networks SW, LLC Transferor: Nisbit, Scott Transferee: Telink Holdings, LLC	03/16/2006	Z

Transfer of Control

Call Sign or Lead Call Sign: WQBN582

Radio Service Code(s)

CF

TC	0002438822	Licensee: Miami Valley Broadcasting Corporation Transferor: Anne Cox Chambers Atlanta Trust, Bart Cox Antt Transferee: Dayton Cox Trust-A, Barbara Cox Anthony, Anne Cox Cha	03/17/2006	M
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Transfer of Control

Call Sign or Lead Call Sign: WQDR507

Radio Service Code(s)

MG

AA	0002460693	Assignor: MariTEL Southern Pacific, Inc Assignee: Havens, Warren C	03/16/2006	Z
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Partitioning and/or Disaggregation

Call Sign or Lead Call Sign: WPOJ536

Radio Service Codels)

PC

AA	0002477550	Assignor: Broadband Spectrum Development III, LLC Assignee: Nextel Spectrum Acquisition Corp.	03/13/2006	C
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Full Assignment

Call Sign or Lead Call Sign: WNTI337

Radio Service Code(s)

BR

Purpose	File Number	Parties	Action Date	Action
TC	0002515314	Licensee: Sturgeon Electric Company Transferor: FELHC, Inc. Transferee: MYR Group Holdings, LLC	03/16/2006	C

Transfer of Control

Call Sign or Lead Call Sign: WPAX260

Radio Service Code(s)

IG

AA	0002515683	Assignor: State of Kansas Assignee: Scott County	03/15/2006	C
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Full Assignment

Call Sign or Lead Call Sign: WYR533

Radio Service Code(s)

PW

AA	0002515894	Assignor: BP Short & Son Paving Co Inc Assignee: Henderson Jr. Henry B	03/15/2006	M
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Full Assignment

Call Sign or Lead Call Sign: KIN273

Radio Service Code(s)

IG

AA	0002516115	Assignor: RICHMOND CITY OF Assignee: CONTRA COSTA COUNTY OF	03/16/2006	M
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Full Assignment

Call Sign or Lead Call Sign: KMM574

Radio Service Code(s)

PW